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Book 1



Rev L. Bolles

With Respects of M. A. Bolles

R E V I E W

OF

DR. WAYLAND'S DISCOURSE

ON THE

AFFAIRS OF RHODE ISLAND.

BY A MEMBER OF THE BOSTON BAR.



"THE AFFAIRS OF RHODE ISLAND,"

BEING

A REVIEW OF PRESIDENT WAYLAND'S

"DISCOURSE;"

A

VINDICATION OF THE SOVEREIGNTY OF

THE PEOPLE,

AND A

Refutation of the Doctrines and Doctors of Despotism.

BY A

MEMBER OF THE BOSTON BAR.

"In our Governments the supreme, absolute, and uncontrollable power remains in the People." — *Judge Wilson's Works*, vol. 3, p. 292.

BOSTON :

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“If, therefore, at any time our ancestors have, through neglect, lost anything that was their right, why should that prejudice us their posterity? If they would promise for themselves to become slaves, they could make no such promise for us!”

JOHN MILTON: *Answer to Salmasius.*

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REVIEW, & C.

THE events which gave rise to this "Discourse" upon the affairs of Rhode Island, have excited throughout our land the liveliest curiosity, and the anxious hopes and fears of the true friends of republican principles.

The people of Rhode Island, who have, for more than forty years, been quietly endeavoring, by petition and appeal to the Legislature of that State, to procure for themselves, what every other member of our federal Republic has long possessed, — a Constitution; and whose prayers have, for nearly half a century, been alternately refused and insulted; — a people whose plainest political rights have always been denied and withheld by a legislative body under the absolute control of a landed oligarchy, and who have never been allowed any voice, or influence, in the government, though that government has compelled them to supply its revenues, and bear its burdens; — wearied at last of vain entreaty, and provoked by oppression and contumely, into the exercise of their own unquestionable sovereignty, — have, in their sovereign capacity, instituted for themselves a form of Constitution, and frame of government, such as they believed adapted to the protection of the public welfare, such as all sister States enjoy, and such as Rhode Island ought to have instituted the moment British domination expired in America, — and have declared this their Constitution, by a large and indisputable majority, to be the supreme law of their community.

Having thus exercised, in a wise and prudent manner, their inalienable right of creating a Constitution, and having promulgated that Constitution, they had every every reason that past history, — the experience of sister republics, — could supply, for expecting that this frame of government would be universally

respected, and be allowed, by the minority, to go into peaceful operation. But this expectation was most signally and surprisingly disappointed. The minority, composed of a set of men who had long claimed the exclusive right to govern, refused to submit or obey; and set themselves in deadly hostility against the People and their Constitution. The government *de facto* refused to become obedient to the government *de jure*; disdaining even to inquire, in their legislative capacity, whether or not the Constitution was the act of the people, and denying totally the right of the people to reform or establish a government, except by the consent of the pre-existing Legislature, and in modes, and upon principles, by that Legislature to be dictated and prescribed.

Never before, in the history of free government, has a spectacle so sadly disgraceful, been presented to the consideration of the world. Never before, was it seen, or imagined, that a government claiming to be republican, and to be founded on popular principles, — on the consent of the governed, — could rise in rebellion against the clearly expressed will of the people, and the plainest principles of right, and persist in sustaining itself without and against the will and consent of the people.

Weil might an exhibition of weakness and political sin so moustrous, awaken universal astonishment, and cause the friends of freedom, everywhere, to express in the strongest terms, their wonder and abhorrence.

In this condition and crisis of affairs, what remained to be done? Could the people abandon their rights, and tamely submit to be despoiled of their sovereignty? or should they go deliberately forward in the administration of their new frame of government, and, if needful, remove from their path, by the strong arm of power, the usurping and rebellious aristocracy?

There could be no hesitation among true-hearted American men. The people must assert their right to rule, at all events and at all hazards.

This was attempted. But still the usurping minority resisted, and defied the people, and the real, rightful government, to a contest of blood. On the side of the usurpation, was the possession of the public purse and sword, — the actual control of the public offices and property, and the promise of the countless bayonets of a foreign power, — of the standing army of the United States.

The first scene of the first act of the tragedy thus prepared by the lawless, the traitorous minority, occurred in Providence, on Monday and Tuesday, 16th and 17th of May, 1842, and the result was, that usurpation, for that time, triumphed over right; — and a government, founded in wrong and outrage, succeeded in crushing, for awhile, the hopes and the courage, the rights and liberty, of the people. No blood was then spilled, and the

quiet of submission has succeeded to the clangor of arms and the confusion of conflict.

At this juncture, grateful that the tempest has lulled, rejoicing that actual warfare has not yet supervened, the learned President of Brown University appears, on Sunday, 22d of May, in the pulpit whilome filled by Roger Williams, and delivers this extraordinary discourse.

The sermon bears evident marks of the truth so candidly avowed in its exordium, that it was hastily prepared, while the author was under strong excitement, and in a condition which might well lead him to self-distrust. Its composition is careless in style, though full of fervor, — its doctrines are unsound, — its arguments are inconsistent. We look in vain for the *lucidus ordo*, the accurate analysis, and the polished periods, which characterise the mature productions of the author of the "Discourse on the Moral Dignity of the Missionary Enterprise." But more than this. We miss that clearness of judgment, and that lofty tone of bold republicanism, which were so conspicuous in the splendid sermons "on the Duties of an American Citizen," and in the "Eulogy" of July, 1826, on Adams and Jefferson.

The fact is beyond all question, that the author is here laboring against the truth. Not that his motives are to be questioned, or suspected; but he is enlisted against sound doctrine and the righteous cause; and this fact renders his labors far less successful than is his wont. He describes the *usurpation party* as the friends of law and order; and speaks of those who were really defending the constitution and the rights of the community, as "a lawless soldiery." A blunder like this, so radical and complete, destroys, of course, all foundation for fair reasoning and trustworthy argument.

The sermon may be described as composed of three distinct portions. The *first* consists of a description of the perils from which the good city of Providence, and the admirable government of Rhode Island, had just, by the Lord's help, been rescued. The *second* purports to be a statement of the origin of these perils, and of the cause of the recent conflict. The *third* consists of the author's politico-religious creed, and appropriate exhortations.

We shall be able to point out and correct the author's mistakes of fact and doctrine, without a very rigorous adhesion to the foregoing analysis.

After describing in strong terms, the dangers which had seemed to threaten Providence, and all which arose according to his notions, *not* from the obstinate and treasonable resistance of the Oligarchy, under the lead of Gov. King, (or as he has well been called, '*the King Governor*,') but from the earnest determination of the people to establish law and constitution, Doctor Wayland thus proceeds to delineate and condemn the doctrines

of the Suffrage party, as indicated by their adopting and endeavoring to maintain a constitution upon the common basis of popular sovereignty: "The *principles* that have been avowed, seem to me as utterly subversive of all other governments, as they are of our own. If an established government may be overturned on *the principles* which have been advocated, and in *the manner* which we have seen attempted, no constitution in the land is worth the parchment on which it is written. All that would be necessary in order to establish unlimited power over us, would be, without the forms of law, to lay claim to a majority, and assemble a sufficient number of armed men to carry its decisions into effect. The *same means* by which the first usurpation was accomplished would be a *good reason* for perpetrating a second and a third,* &c." (pp. 7, 8.)

One feels half inclined to suspect here a lurking allusion by the preacher, to the unjustifiable procedure, by which Gov. King and his factious followers, though a minority, and possessing no lawful authority, have usurped power, and claimed the possession of right, and assembled "a sufficient number of armed men" to carry into effect their unjustifiable opposition to the will of the sovereign people of Rhode Island. But construing him seriously, let us ask what are "*the principles* that have been advocated" in Rhode Island by the framers and supporters of the constitution adopted by the people of that State; and what has been "*the manner*" in which those men have conducted this controversy.

The grand doctrine that "has been advocated" is, that the people have, at all times, the unquestionable right, in such manner as to them may seem fit, *to institute, alter, reform or abolish the government*; and that, more especially after a half century of continual and incurable oppression, they have the right of abolishing that form of government under which they have thus suffered.

Such is the "*principle*." Now as to "*the manner*" in which the people of Rhode Island have attempted to exercise that principle. They have, peacefully and quietly, framed a Constitution, adopted it by a vote of more than three-fifths of all the adult white male population of the State; chosen their Executive and Legislative servants under it, and given notice to the old government to stand aside. Meeting refusal, where they were entitled to obedience, and opposition where concurrence was the unquestionable duty of the old régime, — they endeavored, as they of right could, and should, do, to suppress this opposition, and *restore supremacy to the law*. This is their *manner*. The discourse (p. 9.) speaking of the minority in their factious resistance, contains one sentiment, which rightly applied, should find

* This last sentence seems to bear marks of hasty concoction. We do not quite see how "*the same means*" could become "*a good reason*."

an echo in every generous mind ; it is this ;—" I believe that, rather than submit to such a despotism, the despotism of lawless force, *every good citizen would contend unto death!*" We commend this sentence to the hearty adoption of the suffrage party,—the people,—as their watchword henceforth, and until the cause of right and truth shall prevail.

And now let us return to the doctrine, — "*the principle*,"—which so alarms the preacher ; *i. e.* the sovereign right of the people, to create, change, abolish government, as they may deem their interest to require.

One would suppose, that, in this country, "*the principle*" was too well established, too familiar, too dearly loved, to be called in question. But such, if we may judge by this discourse, is not the fact ; and as, in free governments, a constant recurrence to elementary principles is of unspeakable importance, we, perchance may find some advantage in considering the general doctrine of the American People, both now and in former times, upon this question.

In the Declaration of Independence, (which became the act of the Rhode Island Legislature, by their Revolution of July 12, 1776,) the doctrine is proclaimed to the world, that all "governments derive their just powers from *the consent of the governed*," and that "*whenever* any form of government becomes destructive of the ends for which it was instituted, *it is the right of the people* to alter, or to abolish it, and to institute a new government."

An examination of the constitutions of those twenty-five States of the Union, which have any recognised frame of government, will show, that this doctrine is universally adopted and promulgated, and in terms clear, explicit, forcible and almost prophetic, in their adaptation to this very Rhode Island emergency.

Thus the Constitution of *Maine* (Art. 1. § 2.) declares that "*all power is inherent in the people ; all free governments* are founded in their authority ; they have, therefore, an unalienable and indefeasible right to *institute* government, and to *alter, reform or totally change* the same, when their safety and happiness require it."

The Bill of Rights of "*the old Bay State*," in its Preamble and seventh article, repeatedly sets forth the same propositions.

The *New Hampshire* Constitution asserts not only the *right*, but the *duty* of the people to reform, or change the government when "its ends are perverted, or *public liberty* manifestly endangered;" and it then adds a truth, which we commend to the consideration of those who, like the author of this discourse (p. 29.) believe an unjust government to be an "*ordinance of God*," and those who resist it worthy of "*damnation*;" *viz.* "the doctrine of non-resistance to arbitrary power and oppression, is absurd, slavish, and destructive of the good and happiness of mankind." (*N. H. Bill of Rights, Arts. 1 & 10.*)

The Constitution of *Vermont*, (*Declaration of Rights*, Art. 7.) is yet more explicit and emphatic, and seems to have been framed to meet the insolent pretensions of the Rhode Island landholders, that *they are the "people,"* and that they have a right to prescribe "*the manner*" in which any change of government shall be effected. Its words are these;—"Government is, or ought to be, instituted for the common benefit, protection and security of the people, nation, or community, and not for the particular emolument or advantage of any single man, family, or set of men who are a part only of that community;" (hear this, ye landholders of Rhode Island!) "and the community hath an indubitable, unalienable, and indefeasible right to reform or alter government, in such manner, as shall be by that community, judged most conducive to the public weal."

The voice of *Connecticut* (*Const. Art. 1. §. 2.*) has uttered the same truth, in regard to the popular power in determining the manner of reform, or change.

See also the Constitutions of *New Jersey* (*Preamble*) and of *Pennsylvania* (*Art. 9. §. 2.*)—the last of which may well be quoted; "The people, at all times, have an unalienable, and indefeasible right to alter, reform or abolish their government in such manner as they think proper."

But above all, and last of all, (for we will not weary our readers by running the gauntlet of all our Constitutions,)—above all, how eloquently to these points, speaks out the Constitution of "*the ancient Dominion!*" "All men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity, viz., the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety." "A majority of the community hath an indubitable, unalienable and indefeasible right to reform, alter, or abolish, government in such manner as shall be judged most conducive to the public weal." (*Bill of Rights, originally adopted June 12, 1776. §§. 1. 3.*)

Such is the people's right. It is "*unalienable*," and cannot be sold, or given, or thrown away.

It is "*indefeasible*," and cannot be justly taken away, or withheld, or refused, by any set of men, or board of rulers.

It may be exercised "*at all times*"—for it is at all times in and with the people.

It may be exercised in such "*manner*" as the people please:—in the mode, and to the extent, by themselves judged expedient: for, apart from the laws of conscience, the movements of sovereign power are incapable of restraint or limitation. It is of itself, paramount, and contains within itself the minor trifles of manner and *modus operandi*. These are to be "judged" of

by the people for themselves. They determine what *manner* of alteration, what *manner* of reform, what *manner* of abolishing, or creating, is for the public weal. Their *ancestors* are not to judge for them, and cannot bind them: their *rulers* are not to judge for them: their *tyrants* are not to judge for them. They, in their sovereign capacity, and at their own option, must judge *for themselves*, decide for themselves, act for themselves: and, in the language of Dr. Wayland himself, uttered long since, and before the Rhode Island atmosphere had clouded his vision,—“*Wo unto the man, wo unto the dynasty, wo unto the party, and wo unto the policy, on whom shall fall the scath of their blighting indignation!*”

This was the old liberty doctrine. Without it we should never have broken one link of Parliamentary despotism, one chain of British misrule. Yet Rhode Islanders, and their advocates and preachers, are now frightened by the very shadow of this principle, and cry out, “alas! that such heresy should be spoken or acted!” or, in the words of this Discourse, that “the *asserted majority* of the people,—a majority determined by no forms of law*, has a right, at any moment, to overturn the whole fabric of existing institutions and form a government at will!” (*Discourse*, pp. 16, 17.)

How would these modern preachers against the “*principles*” of the fathers, dare meet, face to face, the stern old patriarchs and heroes of the golden age of our patriotism; the Washington, the Adams, the Jefferson, the Jay, the Wilson, whose trumpet tongues proclaimed from the field, the forum, and the court, those fundamental principles of republicanism, whereof the constitutions we have quoted and referred to, are the oracles and echoes!

The rebuke of Adams and Jefferson.—nay, of the entire Congress of ’76,—the venerable and illustrious “Signers,” upon these modern doctrines and doctors of despotism, is found in the *Declaration of Independence*; and “the great Father of his Country,” in his “*Farewell Address*,” (which Rhode Island politicians may find prefixed to their strange Code of 1798); has left his solemn declaration, as a guide to all coming ages, that “*the basis of our political systems is THE RIGHT OF THE PEOPLE TO MAKE AND TO ALTER THEIR CONSTITUTION OF GOVERNMENT.*” This maxim is, indeed, incorporated into the Bill of Rights of every American Constitution, except that which, in November last, was framed by the landholders’ Convention in Rhode Island. From that record of the reluctant concessions of a usurping oligarchy, it was most scrupulously excluded!

The framers of the federal constitution gave a most signal expression of this principle, in casting off the ties of the old

* What “form of law” except simple addition, can “determine a majority?”

Confederation in 1787. That Confederation, by its final article, was declared inviolable and perpetual, and exempt forever from alteration, except such as should be agreed to in Congress, and confirmed by *the Legislature of every State*. The Constitution of 1787, (*Art. 7.*) without regard to this rule of inviolability, provided that its "ratification by the *Conventions of nine States*, should be sufficient for the establishment of the Constitution between the States so ratifying the same." The people never dreamed, in those days, that their sovereignty could be denied, restrained or set at defiance.

It is worthy of remembrance that the Charter Government of Rhode Island, alone of all the States, refused to send delegates to the Convention which framed the Federal Constitution: and that the State of Rhode Island was the last to come into the Union, having held out, in obstinate reliance upon the sufficiency of its defunct royal Charter, until May, 1790.

We cannot close this view of the prevalence, and truth, of the "*principle*" of the Rhode Island suffrage movement, more appropriately than by quoting the opinions delivered in 1787, by Judge Wilson of Pennsylvania, who was a member of that celebrated Federal Convention, and who was, after its labors closed, appointed one of the Justices of the Supreme Court of the United States:—"The truth is," said that eminent lawyer, "that in our governments, the supreme, absolute and uncontrollable power, remains in the people; as our Constitutions are superior to our legislature, so the people are superior to our Constitutions. Indeed, the superiority in this last instance, is much greater; for the people possess, over our Constitutions, control *in act*, as well as *in right*."

"The consequence is, that the people may change the Constitutions *whenever* and *however* they please. *This is a right of which no positive institution can ever deprive them!*" *

This was the opinion of the man who represented Pennsylvania in the Federal Convention, and whom Washington almost immediately after this opinion had been pronounced in the Pennsylvania Legislature, elevated to the bench of the Supreme Court of the United States.

In another part of the same work we find the same man, as an apology for argument on the subject, thus saying:—

"In America, indeed, the doctrine has not been denied in words: yet unwearied attempts have, on more occasions than one, been made to elude its operation and to destroy its force,"

Had he lived to read this Discourse he would now say "this doctrine has been denied in words."—Had he lived to witness the controversy in Rhode Island, he would have added one more instance to his catalogue of "attempts."

* Judge Wilson's Works, vol. 3. pp. 292—3. Philad. ed. 1804.

This is the true doctrine of republicanism. The right thus residing in the people is beyond, and forever beyond, limitation and control, and can no more be restrained or abandoned, than can the range and scope of human thought, or the heavenward hopes and aspirations of an immortal soul. "Prudence, indeed," — to quote again from the Declaration of Independence, — "Prudence will dictate, that governments long established should not be changed for light or transient causes." Of this "*prudence*," the people, alone, are the authoritative judges; and though they will listen to the advice of friends, and think it lawful to learn even of their enemies, they will be likely to pay little heed to those who question their rights, and still less will they submit to the dictation of usurping rulers.

Nor need any apprehension be felt, except by the advocates of defective and despotic institutions, (such as royal Charters and uncontrolled Legislatures,) that the people will be in haste to disturb their constituted systems and organs of authority; for, in the language of the same *Declaration* "all experience hath shown that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed." Such is the lesson of the past; and he who has studied the history of his race, and who forms a just judgment upon the character of his fellow citizens, will not, in his sober hours, entertain any fear that liberal Constitutions, or just and equal laws, will be rashly subverted by the action of the people.

Indeed, the conduct of the people of Rhode Island itself, for the half century last past, furnishes an amazing, nay almost incredible specimen of popular forbearance and fear of change; an example of endurance without parallel in America. Nothing but a patience amounting nearly to servility, could so long have tolerated the political mischiefs and injuries that have been unsparingly, and in increasing measure, heaped upon that community.

Dr. Wayland, we doubt not, speaks the sincere convictions of the moment, when he says (p. 9) that under the government of Rhode Island "*every man has been most perfectly protected; every man has enjoyed the most perfect liberty.*" But an appeal to facts may perhaps change this opinion, and will certainly exhibit its incorrectness.

It is but a few years since the "*freemen*"* of Providence (we believe the author will remember the fact) passed and enforced a resolution, excluding all other persons from the floor of the Town House during Town meetings. A trifling act, perhaps; but "*ex pede, Hercules*;" the set of the current may be learned from a floating bubble.

* Such is the name given to qualified voters. The rest of the people may be called *serfs* or bondmen.

We happen to know that, for about fifteen years the author of the Discourse has resided in Rhode Island, paying taxes every year, yet never allowed to vote, nor to exert his influence, or lift up his voice, in the affairs of government, nor to sit upon a jury, nor to claim the protection of law by suing out his writ. All this may, in *his* opinion, be no injury, no infringement of liberty, no more than an inconsiderable loss. But such, for a hundred years, has been the fate of all other citizen "serfs," not "freemen;" and in the *common opinion* of plain republicans, such a state of political servitude is an evil.

Is the right of suffrage, of choosing the public servant, the law maker, the executive, the tax-imposer, the levier of public burdens, — of being represented: — *is all this nothing?* More than three fifths of the adult male population of Rhode Island have neither part nor lot in this matter.* Upwards of fourteen thousand men are thus disfranchised, while the entire affairs of the government are controlled by less than nine thousand "*freemen!*"

While more than three fifths of the citizens are thus reduced to the condition of vassalage, they are (*Stat.* 1798, p. 407, §§ 1. 3. & 1822, p. 310) compelled to pay taxes: and (*Stat.* '98, p. 423 & 1822, p. 320) to do military duty: so that more than three fifths of the burdens of the State are imposed upon a class of men totally unrepresented in the Rhode Island Parliament; and from the government, which thus wastes their substance, and despoils them of their rights, they are, in fact, as far removed, as though the wide waste of the Atlantic rolled between.

What would the patriots of '76 have said of a political system like this? In their creed would it have been "perfect liberty" and "perfect protection?"

The patriots of '76! Nay, rather, go to the Americans of near a hundred years earlier: to the Colonial legislature of Massachusetts in 1692, and hear them announcing to the British monarch, that "*no tax, aid or imposition could rightfully be assessed or levied upon them, without the act and consent of their own legislature wherein they were represented.*"†

This was the voice of all the Colonies; who claimed as their indefeasible right, that where there was no representation, there should be no taxation.

The Continental Congress in their celebrated Declaration of Rights, in 1774, maintained that "the foundation of all free government was a right in the people *to partake of the legislative power*: and that they were entitled to a free and exclusive power of legislation in all matters of taxation, in their several provincial legislatures, *where their* right of representation could alone be preserved."‡

* The whole number of this class exceeds 23,000: the largest vote ever thrown (in 1840) was but 8662.

† Hazard, State Papers, vol. 1, pp. 408, 487.

‡ Journal of Cong., vol. 1.

What but the denial and infringement of this right, which denial was considered tantamount to Parliamentary despotism, kindled the flame of the Revolution ! The "tea act," "the stamp act," "the Boston Port bill," — these were the grand overt-acts of legislative tyranny, which sounded the war cry of patriotism all over the land, and the knell of British domination in America.

It is difficult for us to believe that among our fellow-countrymen there can be found *many* who place so low a value upon this grand fundamental right, as the Discourse would lead us to suppose is attached thereto by its author. We have been taught to regard it as of unspeakable importance, essential to the existence of liberty, the palladium of free government. Not so the Discourse.

On page 13 it says, speaking of the government of Rhode Island,

"A form of social organization which has maintained this character* for one hundred and eighty years in the midst of a people proverbially jealous of their rights,† *could not surely contain any element essentially unfavorable to liberty.*"

This is said of a government whose *Charter* limits citizenship to such persons as the Assembly may, by their vote, admit as "freemen;" and whose *laws* provide that no person shall enjoy that right, — the right of freemen, — unless, being the owner of real estate of the clear value of one hundred and thirty-four dollars, in the town where he resides, he shall, by the "freemen" of that town, after three months' nomination, be admitted as a freeman thereof.

This fact furnishes a comment somewhat singular upon the boasted perfectness of Rhode Island government: and it leads us to correct a curious mistake into which the Discourse has fallen in the attempt to set forth the primary facts involved in this great controversy. The author says, (p. 12.)

"The charter under which this State has from the beginning existed, *limits the right of suffrage* to those who possess real estate to the value of one hundred and thirty-four dollars."

"The qualification was placed so low that it was believed that most persons who really desired to participate in public affairs, might easily do so."

The Charter of Rhode Island contains no such provision; as any one will perceive who examines it carefully. That instrument does not create, nor in any way refer to or recognise any such property qualification; but simply authorises the Assembly to admit all whom it pleases to make "freemen." Nor was it till 1724, that the Assembly imposed any limitation as to proper-

* Query: Reputation?

† What people? The freemen, or those who have been seeking a reform with vain efforts for half a century?

ty. In 1666, as a matter of convenience, the Assembly transferred to the several towns the power of admission. The act of 1724 provided a property qualification of one hundred pounds,—which was, in 1762, reduced to forty pounds, whose equivalent in our currency is \$134,—at which the limitation now remains.*

Nor is this the full extent of the author's inadvertent but most extraordinary mistake. From the latter part of the passage just quoted, it would be naturally—nay, necessarily inferred, that any person possessed of real estate to the value of one hundred and thirty-four dollars, might, *if he pleased*, become a freeman. But such is not the fact. On the contrary, the ownership of all the land in Rhode Island, coupled with the most earnest desire to acquire the right of suffrage, would not insure the boon. It is not within the reach of the best man, or the richest man, in the State, unless he is graciously permitted, by the vote of the "freemen" of the town in which he resides. Unless the person owning land happens to be the oldest son of a freeman, and so *by birth* entitled to this aristocratic distinction, he must, like a candidate for admission to a Presbyterian church, be propounded to the "freemen" for admission into the close corporation of the Rhode Island government, for the period of three months, after which he may, if the "freemen" so desire, be voted into the oligarchy; or rejected, if they should happen to prefer to keep their number "conveniently small." (*See Revised Stats. of R. I.* 1798, pp. 114, 115. and of 1822. pp. 90–91.)

This is the author's faultless government, containing "*no element essentially unfavorable to freedom*;" the veriest aristocracy that ever scandalized the name of a free government.

But the Discourse supplies a key to this singular estimate of the Rhode Island government; for it brings out, in strong relief, the author's entire disregard, (not to say contempt,) for the right of suffrage, and of participation in the public affairs. We will quote one passage from pp. 13–14, viz.:

"While, however, I say this, it is proper to add, that, in my opinion a citizen of Rhode Island who has been always familiar with this form of the constituency, does not readily appreciate

* The Charter may, by those who wish to examine it, be found in the Appendix to Knowles's Life of Roger Williams, in "The American's Guide," published at Philadelphia, 1830, in the R. I. Hist. Society's Collections, and prefixed to the R. I. Revised Stats. 1798, and 1822. It is, to us, viewing the subject perhaps with professional eyes, matter of astonishment, that any one who undertook to *teach* the public what is contained in the Charter, should not have made himself familiar with that instrument.

We see that in the second edition of Dr. Wayland's Discourse, a letter is published signed by Judge Pitman, exposing the author's mistake of fact as to the "Charter"—but leaving the illogical reasoning based on the mistake uncorrected.

the manner in which it strikes persons from other States, who have been accustomed to a wider extension of suffrage. It gives rise to odious and unkind comparisons. Hence, whatever may be *its** *practical value*, in other respects, it* should be borne in mind that this value may be overbalanced by the *ill feeling* which is liable to be engendered. It should be also remembered that in any social compact, *not only the rights*, but also the *feelings* of our fellow men, should be strictly regarded; and that it is frequently better to yield in a *doubtful matter*, than to suffer the accusation of injustice from too strict an adherence to our own opinions."

We have *italicised* those words which show, that, by some fatality, as we must call it, the author of this Discourse has arrived at the conviction that suffrage is not so much a matter of *right* as of feeling; not an indubitable and most precious boon, but a fancy, "a doubtful matter," a thing not worth the quarrelling for or about, upon the one side or the other.

With these peculiar views concerning political rights and freedom, we wonder less at Dr. Wayland's disposition to enlogize the charter and laws of Rhode Island, than we do at his thinking it desirable, as he (p. 6) does, that suffrage should be extended. Still more surprised are we, to find the following extraordinary statement, at the conclusion of his depreciation of suffrage, and his censures on those who have recently endeavored to put this right in exercise under the sanction of the people's Constitution:—"While, however, I say this, it is proper to add, that until very lately, it has been really doubtful whether a change was actually desired by any large number of our citizens. Petitions on this subject were, it is true, several times presented, but they never seemed to arise from any very strong feeling, nor to assume a form that called for immediate action. It has really been a matter of surprise to me that the *question*† awakened so little attention." (*Discourse*, p. 14.)

We do not question the author's intentions, but we do wonder at his statements. How is such a person to be satisfied? When we petition, pray, supplicate, but confine our zeal within the limit of words—he wonders, (though suffrage is an affair of such trifling importance,)—wonders that we do not "seem" to have "any strong feeling;" but when oppression long endured, becomes intolerable, and words neglected are thrown aside for action, and we presume to exercise our rights and *live* our creed, then we become anarchists, "lawless soldiery," fighters against "the ordinance of God," and worthy of "damnation."—(pp. 29, 30.)

Before giving a brief sketch of the conduct of the free suffrage

* We are not sure that we understand what "its" is intended to represent.

† The foregoing sentences relate to two distinct questions, viz. extension of suffrage, and equality of representation. Which of these is here intended?

party in Rhode Island, as we propose to do, in further illustration of our assertion, that their course has been characterised by prudence, patience and long-suffering, we will exhibit a few farther facts concerning that faultless government whose subversion the author so earnestly deprecates.

1. Under the conjoint operation of restricted suffrage and an unequal apportionment of representation, *the political control of the state is in the hands of less than one-third of its adult male population*. No comment upon a fact like this, is needed. Such a government, every one sees, cannot, without a gross abuse of language, be called a republic.

2. We have all been taught that *the trial by jury* is one of the great bulwarks of freedom, and to estimate highly the right to sit upon the panel. But this precious right is enjoyed by less than two-fifths of the citizens of Rhode Island. None but "freemen" are empanelled and can sit as jurors. All other citizens are as completely excluded from the jury box, as though they were idiots, lunatics, slaves, or convicted of infamous offences.—(*Revised Statutes*, 1798, p. 182, § 2.) How could an impartial jury be found under the laws of Rhode Island for the trial of Gov. Dorr, or any of his "lawless soldiery?" The thing would be impossible.—(*See also Rev. Stat.* 1822, pp. 138, 139.)

3. We are wont to rejoice in our right to a certain and speedy redress for all personal grievances by legal remedies. Were our courts to be shut against us, except we entered the temple of Justice under the patronage, and leaning upon the shoulder, of some freehold favorite of the government, we should feel that we were grossly outraged, and that the language of Magna Charta was no longer true—"NULLI VENDEMUS, NULLI NEGABIMUS AUT DIFFEREMUS JUSTITIAM!"

But in Rhode Island the great mass of the people *are thus excluded*. Let the author of this Discourse, or any other non-freeholder, (we will not say bondman,) be he never so eloquent in praise of Rhode Island institutions, go to any counsellor, (say, for example, to the individual whose name stands last upon the letter of compliment prefixed to this sermon,) and ask for a writ to secure a debt, by arresting the debtor, or by attaching property, or by simple summons, and the answer will be, "Sir, by the laws of this State (*R. I. Stats.* 1708, pp. 149, § 7, and 189, § 2,) you cannot have your writ unless you procure some freeman to endorse it!"*—(*Revised Statutes of R. I.*, 1822, pp. 114, 143.)

Is this "perfect protection" and "perfect liberty?"

4. Another fruit of the perfect system of Rhode Island may be found on page 356, § 13, of its Revised Statutes of 1798, and p. 278, § 13 of the Code of 1822. This section authorises the

* Nor will any magistrate issue a warrant on any offence, however heinous, unless the complainant furnish security to prosecute with effect or to pay all costs.—(*ib.*, p. 605, and *Rev. Stats.* 1822, p. 149.)

town Council, when any person comes within their limits whom they dislike, or whom for any cause they desire to get rid of, or whom, in the words of the law, "they shall determine to be an unsuitable person to become an inhabitant" of their town, may give that person (he not being a freeman) notice to depart out of the town within a certain period, on penalty, if he fail to go, of being bound out, for one year, into servitude to any citizen of the United States.*

It is easy to imagine how a case, under this statute, might have arisen some fifteen years ago, that would have robbed Brown University of its President, and sent him to some Virginia or Louisiana planter for the year's servitude. It would have been an extreme case; but had the Town Council of Providence been as weak as the law is wicked, it might have lawfully occurred!

But let us consider for awhile some questions of a more general bearing, which arise from the inspection of this much eulogized government of Rhode Island.

5. That little State has no Constitution, except we bestow the name on the Charter conferred by King Charles II. All the rights or powers described in that royal chart are the king's gifts, bestowed, as the parchment says, "*of our especial grace, certain knowledge and mere motion.*" This is the source and character of all the powers and rights of the government of the *Republic* of Rhode Island; a royal concession, which denies, on the face of it, the entire doctrine of popular sovereignty, and is utterly repugnant to the principle that "all just government is founded in the consent of the governed."

Dr. Wayland says that the people of Rhode Island have felt "a natural pride" in possessing the oldest form of social organization existing in any part of this new world. If such be the fact, it is another illustration of the infinite loveliness of the grace of humility. And perhaps it is another instance of that benignant spirit so often manifested in the order of events, when evils that are hopeless become objects of admiration and occasions even of thankfulness. The Swiss and Tyrolese mountaineer, afflicted and made monstrous by his *gôitre*,

"— dew-lapped, like oxen,"

exults in the deformity, and pities those less favored mortals whom nature has left arrayed in all her fair proportions. So perchance Rhode Island "freemen" may feel proud to draw all their republican rights and principles from the foul fountain of royal grace and favor; to found their "*Republic*," not on the consti-

* Another section (15) of the same act of 1798, (*R. S.* 1822, § 14,) renders it imperative on all who entertain strangers, to report them within seven days to the President of the Town Council. The law seems resolved, that in *R. I.* no "angel" shall be "*entertained unawares.*"

tution and consent of the people, but on the concession and "mere motion" of the most profligate and worthless king that ever sat on the English throne!

6. Nor should it be forgotten that this Charter of King Charles, if now in force, bestows despotic authority upon the Legislature of Rhode Island. The only qualification or restriction, except in religious matters, is found in the proviso that the Acts of the Assembly shall not be repugnant to the laws of "this our realm of England." Oh, admirable limitation! Oh, trusty safeguard! Let but the Acts of Assembly come up to the standard of the worst statutes of Parliament, — even the "Tea Act," "the Stamp Act," and those various other laws of "this our realm of England," which severed from British rule this our glorious Republic, — and no one can lawfully complain.

7. The Charter empowers the Executive, in the recess of the Legislature, to establish and enforce "all methods, orders, rules and directions" that it may deem proper.

Thus, under the Charter, there is a despotic assembly *in perpetuum*, and a despotic Executive *ad interim*, against whose misrule the growing people of Rhode Island have absolutely no protection beyond their own unacknowledged and, until lately, unexerted sovereignty.

8. We may approach this subject and examine it, in still another light. This royal Charter, with all its grants and limitations, expired, — became a dead letter, a mere skin of parchment, on the downfall of British domination in this country. When the Assembly of Rhode Island, July 12, 1776, adopted the Declaration of Independence and recognised by their Resolution the noble truth, that sovereignty resides in the people, that Charter was forever vacated and annulled.

The Rhode Island Assembly, therefore, has now no rightful authority, but is, to all political intents, a sheer usurpation. Being the creature of the king and charter, the old Assembly could not survive its creator. Whatever of authority the legislature now holds and exerts, it has acquired by as high handed an act of political felony, as, in a country like ours, could be perpetrated. This authority is might without right, and whosoever speaks of it as "constitutional authority," perverts language and mistakes the truth of this great controversy.

9. In this view of the case also, the Legislature has no check, control or limit upon its power, so long as the people whom it abuses are meek and submissive. Like the British Parliament it is nearly almighty. Nay, it is more potent than Parliament; for while it is said of that body, in a proverb familiar as household words, that it can do every thing *but make a woman of a man*, — this Rhode Island Legislature has wrought that miracle, to such an extent, that the manly spirit, if not the manly form, seems to have been banished from its territory! We rejoice to behold the

indications of a more resolute and manly spirit, however slight, amongst the people of Rhode Island.

Having thus investigated the great question of popular right, and considered some of the evils of the political organization and of the system of laws existing in Rhode Island,—for the purpose of demonstrating that the principles which the author of this Discourse condemns, are just and true, and that the system he eulogizes is defective and dangerous, oppressive, anomalous and intolerable, — let us now briefly trace the history of the popular movement — for the purpose of exhibiting the patience, perseverance, and orderly procedure, of the people, in all the stages of their movement, to the very hour when a usurping minority, by force of arms, obtained a temporary triumph over the people, and maintained at the point of the bayonet and cannon's mouth, that political organization which scorns the plainest doctrines of republicanism, and cares nothing for the consent of the governed.

As long ago as the latter part of the last century, an unsuccessful attempt was made by the friends of constitutional liberty in Rhode Island, to procure the formation of a Constitution. It was felt to be politically wrong and dangerous, that the government and people should be without a fundamental law, to stand between them, to restrain the one and protect the other.

In the Assembly of 1811, an extension of suffrage to all who voted and performed military duty, was sought for, and a Bill actually passed through the Senate, — but was defeated in the House of Representatives.

The years 1819–20–21–22 were signalized by long continued and strenuous efforts on the part of the friends of liberty to procure a Constitution under the Legislative sanction. But in vain.

In 1824, however, it seemed that their prayers were about to be answered. A landholders' convention was called together to frame a Constitution. The character of that body, as would have been foreseen by any person at all conversant with the reluctance of any privileged order to abandon its power and privilege, was such that a proposition to extend suffrage received but three votes! A Constitution was framed, however, the provisions of which would, in some degree, have equalized the representation. This Constitution was laid before the "freemen" — not the people — and was by their votes rejected. The oligarchy still swore allegiance to King Charles and his Charter.

In 1829 the friends of suffrage again addressed the Legislature, numerous and urgently. Their petition was referred to a committee which reported through its chairman against the prayer thereof. This report, drawn up, if we remember rightly, by a Mr. Hazard, was of the most insulting and offensive description, vilifying and casting ridicule upon the petitioners, and recommending them to cure their complaints by removing from Rhode Island.

In 1832 a similar attempt on the part of the people was made, and met its usual fate at the hands of the aristocracy.

In 1834 a *free Suffrage party* was organized, after the New England fashion, and a very general and vigorous effort was made to secure the election of a Legislature liberally disposed. The result was, that the Legislature that year summoned a Convention of "freemen" to meet at Providence and draft a Constitution to be laid before — *the people?* — No. — the "*freemen*" at large. In this Convention the article proposing an extension of suffrage received but *seven votes* — and finally the Convention, one member after another absenting himself, dwindled down to less than a quorum, and thus dispersed without accomplishing, in any way, the purpose for which they assembled.

Not yet out-wearied, "cast down, but not despairing," the Suffrage party continued for four years longer its unavailing efforts and unheeded supplications, and then ceased to act in that capacity.*

This is what may be called the conclusion of the first part of the Rhode Island struggle between Might and Right. We now approach the second; to which alone the Discourse very distinctly refers, (pp. 14–21.) A plain statement of this part of the story, will, in the light of the foregoing facts and doctrines, show how little the Reverend Author's animadversions are deserved.

In 1840, associations, composed of the liberal portion of freemen, and of the disfranchised classes, and whose object was a redress of grievances, were formed in Providence and in many other places throughout the State. For the purpose of once more testing the spirit of the Legislature, a large body of these individuals, sent in to the Session of January, 1841, petitions praying for extension of suffrage, for the equalization of representative apportionment, and the formation of a State Constitution. These petitions contained about six hundred names, — and *they were insultingly passed by without any notice, or action, on the part of the Assembly.* At the same session of the Legislature, the inhabitants of Smithfield petitioned for some correction of the inequality of representative apportionment. This Smithfield petition was acted upon February 6, 1841, the Assembly passing Resolutions "requesting the *freemen* in August to choose delegates to a Convention to be holden on the first Monday of November, 1841, to frame, either in whole, or *in part* a *new (!)* Constitution for this State," the subject of equalizing the

* This statement is compiled from official documents, among which are Mr. Barber's Report to the Assembly, April 1842, from the Committee on the subject of a Constitution; the Message of Gov. Dorr, and the Journals of the Assembly. The same may be affirmed of the statements next following, all which rest upon unquestionable authority. See the two Constitutions, and the Acts and Reports of the Assembly.

representation being especially recommended to the action of the Convention.

The contemptful treatment bestowed upon the petitions of six hundred, and the experience of the past, which had so often taught the disfranchised how little could be expected but insult from a landholders' convention, induced the friends of liberty to call a Mass-Convention of the people at Providence, April 17th, 1841, to consider of their rights, grievances, and remedies. A second Mass-Convention was held at Newport on the 5th of May, and a State Committee was appointed, with power to call a Convention of the people at large for the formation of a Republican Constitution. The call was delayed, however, until after the June session of the Legislature, when Mr. Atwell of the House, (a free Suffrage member,) proposed an Act in that body, authorizing "every white male citizen of the United States, over twenty-one years of age, who has resided in Rhode Island two years, and in the town or city where he is to vote, for six months next preceding the town meeting, and who has paid tax on real estate or personal property for one year previous to the time of voting, to vote in the choice of delegates to the Convention appointed by the Assembly to meet in November next, except persons insane, under guardianship, and convicts." This last effort of the freedom party to give a popular character to that November Convention was totally defeated. *Ten* members voted for Mr. Atwell's motion, and *fifty-two* against it!

The State Committee, finding all hope of legislative justice vain, now proceeded to call a Convention of the people at large, to assemble in Providence, October 4th, 1841. The delegates were chosen in most of the towns, in the ratio of one to every thousand inhabitants, in the latter part of August, in the ordinary forms of Rhode Island procedure, and the number of votes cast in their election was about seven thousand two hundred.

This Convention met at Providence Oct. 4th, and having drafted a Constitution adjourned to November, for the purpose of allowing the public mind to become formed and fixed on the subject of their labors. Re-assembling in November, and adopting several amendments, the Convention definitively passed upon a Constitution, and ordered it to be proposed for adoption or rejection, to the adult population permanently residing in the State and being citizens of the Union.

This Constitution was so submitted to the popular vote, in accordance with its 14th Article, on Monday, Dec. 27th, 1841, and the two following days,* and was adopted by a vote of

* The following quotations from the Constitution thus adopted will show how the proceeding was conducted:—

"Art. xiv. § 1. This Constitution shall be submitted to the people, for their adoption or rejection, on Monday, the 27th day of Dec. next, and on the two succeeding days; and all persons voting, are requested to deposit in the

thirteen thousand, nine hundred forty four, and being *more than three fifths of the adult male population* of Rhode Island. The result of this vote, in pursuance of Art. 14, was duly communicated, and made known to the Convention at its adjourned Meeting, January 12, 1842.

The number of adult males in R. I., citizens of the United States, as near as could be ascertained in January last, was 23,142;—of whom, 11,572 are a majority. The constitution therefore was adopted by a clear majority of 4747,—more than three fifths of the whole number of adult male citizens.

The result of this popular movement was transmitted to the General Assembly at its January session, 1842, by Mr. Atwell, who had been a member of the Convention and was a member of the House of Representatives. He introduced an Act reciting the above results, and requiring the Assembly to yield up its authority to the new government, which was to be organized under the Constitution. The aristocratic government, forgetting every principle of duty, refused to pass this Act. Mr. Atwell then moved for an inquiry into the number of qualified voters who had cast their ballots for “the new Constitution.” But the Assembly refused to take any such step, and expressed the most supreme

ballot boxes, printed or written tickets, in the following form:—“I am an American citizen, of the age of twenty-one years, and have my permanent residence, or home, in this State. I am (or not) qualified to vote under the existing laws of this State; I vote for (or against) the Constitution formed by the Convention of the people, assembled at Providence, and which was proposed to the people by said Convention on the 18th day of November, 1841.

“2. Every voter is requested to write his name on the face of his ticket; and every person entitled to vote as aforesaid, who, from sickness, or other cause, may be unable to attend, and vote, in the town or ward meetings, assembled for voting upon said Constitution, on the days aforesaid, is requested to write his name upon a ticket and to obtain the signature upon the back of the same, of a person who has given his vote, as a witness thereto, (a) and the moderator or clerk of any town or ward meeting, convened for the purpose aforesaid, shall receive such vote, on either of the three days next, succeeding the three days before named for voting on said Constitution.

“3. The citizens of the several towns in this State, and of the several wards in the City of Providence, are requested to hold town and ward meetings on the days appointed, and for the purpose aforesaid; and also to choose in each town and ward, a moderator and clerk, to conduct said meetings and receive the votes.

“4. The Moderators and Clerks are required to receive and carefully keep the votes of all persons qualified to vote as aforesaid, and to make registers of all the persons voting: which, together with the tickets given in by the voters, shall be sealed up and returned to said Moderators, and Clerks, with certificates signed and sealed by them, to the Clerks of the Convention of the people, to be by them safely deposited and kept, and laid before said Convention, to be counted and declared at their next adjourned meeting on the 12th day of January, 1842.”

(a) Voting by proxy in Rhode Island was a practice long established by law. See Rev. Stats. 1798, pp. 120—3.

contempt for the doings of the Convention, and of the people, whether by minority or majority.

No reasonable man can doubt that this refusal of the Assembly to determine by inquiry whether or not the alleged majority was real and true, and if it were so found, to pass an Act for the confirmation of the Constitution, and expressive of their allegiance to the known will of the people thus solemnly declared, was an act of great folly; of inexcusable wrong — a neglect of manifest duty; the real culpable cause of all the subsequent confusion and disorder.

Having thus refused to make official inquiry, the Assembly cannot now pretend to doubt or deny that the "asserted majority" was real and true; this refusal was an admission of the fact. How idle is it, then, for any one now to doubt and cavil and argue. But after all doubtings and cavillings, there are the ballots and registers, to testify for themselves and settle the question forever.*

But although the Legislature thus refused to do their duty, the popular movement induced them to do something else. The

* Great efforts have been made by individuals, though never by the Assembly, to impeach the fairness and force of this vote: as in this Disc. p. 16 — but these attempts show, 1st, that those who make them are afraid that there may be, after all, some political efficacy in the doctrine of majorities; and 2d, that in this R. I. affair the People's Constitution was actually adopted by *a majority of the whole people, and by a MAJORITY OF THE "FREEMEN!"*

The largest estimate of the adult male population of R. I., excluding persons not citizens of the United States, is 23,142. The largest number of "freemen" that ever voted (1840,) was 8662. The whole number of votes for the People's Constitution was 13,944, of which 4,927 were the votes of "freemen" — so that we have a *majority of "freemen"* amounting to nearly 600, and a *total majority of 4,747.*

It is said that the moderators who received the votes were not sworn officers. The moderator in R. I., who determines what votes to receive or reject, is *never a sworn officer.* — (R. S. 1822, pp. 91, 95.) The voters are never *sworn* in R. I., unless challenged, — and every challenge that was made, was received, at the people's election, and the vote excluded from the count.

As to voting *by proxy*, that was formerly done, as we have shown by the laws of R. I., in all elections.

As to any unfair dealings or spurious votes — the Assembly have never dared, though solicited by the liberal members, to make the inquiry. The original ballots are now kept, and may be examined and speak for themselves. There is no room for controversy.

As to the vote upon the choice of officers in April, under the new Constitution, which had been adopted in December and January, no argument can be fairly deduced from its smallness — for the people, having obtained a Constitution, and no opposition being expected in electing their officers, (as of course the aristocratic minority would not attend the polls,) it was needless again to rally in full numbers. How, then, could any one in fairness say, in the words of the Disc. p. 16, "when the officers under the (people's) Constitution were chosen, *more than one-half* (of those who had voted for the Constitution,) *had abandoned it!*" Such reasoning is false in logic and in politics. The people cannot "*abandon*" a Constitution by voting, or neglecting to vote, for Governor. The abandonment must be by a solemn act of the people, intended to produce that very result.

landholders' Convention, which had met in November, had adjourned without framing a Constitution, to meet again on the 14th Feb., 1842. The Assembly intimidated, though refusing to obey the popular will, passed an Act authorizing all persons to vote for or against the Constitution which might be framed in February, who, by the provisions of that Constitution would be allowed to vote under its sanction. They passed also another Act declaring the People's Constitution to be a usurpation, and its adoption "an assumption of the powers of government, a violation of the rights of the existing government, and *of the rights of the people at large!*"

The landholders' Convention completed its labors by the draft of a Constitution which was vastly inferior to the one which the people had already adopted; inasmuch as it still imposed unjust restraint upon suffrage, and threw the control of the Assembly into the hands of towns and districts containing less than one-third of the inhabitants.

This imperfect Constitution was laid before that portion of the people who were by law allowed to vote thereon, on the 21st, 22d and 23d days of March, 1842, and was rejected by a majority of those voting upon the question, which majority was nearly seven hundred.

At the March session of the Legislature, the attention of the Assembly was called to the two-fold expression of the popular will, viz.: 1st, the adoption of the people's Constitution; and 2d, the rejection of the landholders' Constitution; and the liberal members of the Assembly introduced a Bill to conform the general election to the provisions of the first named instrument, and another to submit that Constitution to the votes of those who were qualified to vote under the Constitution of the freeholders. Both these Bills, either of which would forever have put an end to strife, were rejected. A proposition was then made for an extension of suffrage, and in like manner repulsed. And finally, at the adjourned session in April last, an attempt was made to call another Convention whose delegates should be chosen by a constituency somewhat larger than that which existed under the old laws. In vain. A sullen madness seems to have ruled the hour. The oligarchy would not yield one iota of their usurpation to the gentle request of the people — but seemed resolved that a dynasty which had ruled by injustice should go down in violence and blood.

Having thus exhausted every pacific mode of procedure, the people now went forward under their Constitution and elected their public officers, Monday, April 18th, 1842: and though a much smaller effort was now made than had been put forth in the grand struggle for a Constitution, the votes that were polled exceeded those given at the freeholder's election by not less than sixteen hundred.

The new government assembled under the Constitution at Providence, on the 3d day of May last, and organized itself in accordance with the provisions of that instrument.

And now came the crisis of this eventful history — the moment which was to test the patriotism, the principles, the republican creed of the old government party, — and the earnestness, manhood and true American spirit of the people and their constitutional officers. No movement of greater interest has occurred in American history, since the glorious Congress of '76 adopted the Declaration of our national independence. It is the first time that the popular sovereignty has ever been called in question; the first conflict that has ever arisen between master and servant — the people and a usurping government.

With the events that followed we are all familiar: — the appeal of the King party to the Federal Executive; the promise of aid from the standing army of the Central Government; the march of Federal troops from New York to Newport, — from “old Point Comfort” to New York — indicative of the direction that would be given to the whole disposable force that is sworn to obey the orders of the President of the United States; the garrisoning of arsenals; the momentary ardor of the people in support of their rights; the apparent certainty of bloodshed; the triumph of armed force collected and sustained by the public purse, over the undisciplined people; the dispersion of the Suffrage forces; the present exultation of successful power; the silence and quiet on the people's side which, if they be not lost to patriotism, to honor, to themselves, is but the prelude to a coming storm of public indignation, that shall sweep from their high places the ruling dynasty, and purify the atmosphere of Rhode Island of the last relic of aristocratic misrule.

Nor need the long abused people of Rhode Island fear that on their return to the struggle, their cause shall fail to enlist the sympathy and to secure the assistance of the lovers of freedom, the friends of republican truth, throughout the length and breadth of the land. To quote the words of Dr. Wayland's earlier production, whose moving eloquence banishes from our minds, as we read them, every doctrine of this later Discourse,

“Thanks be to God, men have at last begun to understand the rights, and to feel for the wrongs of each other! Let the trumpet of alarm be sounded, and its notes are now heard by every nation, whether of Europe or America. Let a voice, borne on the feeblest breeze, tell that the rights of man are in danger, and it floats over valley and mountain, across continent and ocean, until it has vibrated in the ear of the remotest dweller in Christendom. Let the arm of oppression be raised to crush the feeblest nation on earth, and there will be heard everywhere, if not the shout of defiance, the deep-toned murmur of implacable displeasure. It is the cry of agrieved, insulted, much abused man!

It is human nature, waking in her might from the slumber of ages, *shaking herself from the dust of antiquated institutions*, girding herself for the combat, and going forth conquering and to conquer!"*

Having by this time, as we think, satisfied all candid readers that no safe reliance can be placed upon the facts or doctrines set forth in the political portions of this sermon, the mistakes in regard to which we attribute entirely to inadvertent haste, and a highly excited frame of mind, and not to intentional misstatement, we come to the *third* division of the Discourse, containing the author's politico-religious opinions upon human government, and the right of revolution, or rather the right of popular sovereignty. A very few words will dispose of this branch of the subject.

The religious doctrines of the Discourse would seem to have been taken entire from the manuscript sermon of some royal chaplain, some "minister in ordinary" to "his majesty," or "his Imperial Highness;" not from the head and heart of an American preacher. The doctrines are these: (pp. 29, 30,) —Government is an ordinance of God: God himself commands us to obey it: the government which God thus commands us to obey, need not be "either just or paternal." We have no more right to abolish such a government than we have to annul the marriage contract! and if we do so we sin against God and deserve "damnation."

To support this shocking creed, (we cannot call it by a softer name,) various passages of Scripture are brought forward, with apparent sincerity and unquestionable zeal.

Such doctrines are the very essence of despotism; and the framers of the New Hampshire constitution (already cited) have, in terms that may sound rude to courtly ears, declared them "*absurd, slavish, and destructive of the good and happiness of mankind.*" They contain the long exploded principle of the divine right of kings;† and we should have deemed it impossible that

* Discourse I. on the Duties of an American Citizen, April 7, 1825.

"Oh that the present hour would lend
Another sermon of this kind!"

Query: Is this "*dust*" to be "shaken" off according to "*the forms of law*?" See the quotation on p. 6.

† "Our ancient and famous lawyer Bracton, in his 1st Book, Chapter vii., 'there is no king in the case,' says he, 'where will rules the roast.' And in his 3d Book, Chapter ix., 'A king is a king so long as he rules well; he becomes a tyrant when he oppresses a people committed to his charge.' And again, in the same book, 'the king ought to use the power of law and right, as God's minister and vicegerent; the power of wrong is the Devil's, and not God's; when the king turns aside to do injustice, *he is the minister of the Devil.*' Since, therefore, the law is chiefly right reason, if we are bound to obey a king and a minister of God, by the very same reason, and the very same law, we ought to resist a tyrant and a minister of the Devil."

Such are the words of the immortal Milton, in his Answer to the King-defending arguments of Salmasius. They contain truths well worthy of present consideration.

an American divine could entertain a creed like this which sanctions alike the tyranny of Nero, and the rule of republicanism.

On pages 28—9, in reply to the question, "are revolutions ever justifiable," the Discourse admits that this "ordinance of God" (Government) may sometimes be lawfully resisted and overthrown: an admission which ought to satisfy any man of common sense that, though the intention of God, as revealed in our social natures, is, that we should organize society, it was never his will to subject us to imperfect organizations, much less to those which are unjust and oppressive.

This very admission, however, — such is the author's apprehension of popular movement, — is so limited and qualified, as to show that he regards with pious abhorrence all revolutions that have ever occurred, or that ever would or could occur. For no movement of this character, (and every exercise of the sovereign power of the people is, in the preacher's view, revolutionary,) is justifiable, until government has "*utterly failed*" in all the purposes for which it is created: a failure that cannot honestly be predicated of any, the worst tyranny, that ever existed. The American Revolution, therefore, was a horrible iniquity, utterly unjustifiable: for no candid man has pretended, or will pretend, that British Colonial government wholly failed in each and all the purposes for which governments are instituted. How vast the change that must have come over the writer of this Discourse, since, in his young and ardent days, he delivered his glowing Eulogy on those two great lights of our Revolution, Adams and Jefferson,* whose common glory it was that they succeeded in subverting that "ordinance of God," the English misrule of the North American Colonies!

We will not comment upon the false logic which denominates the peaceful change of a bad government "revolutionary," and which regards the violent resistance and misconduct of usurping rulers in conflict with popular will, as "good order" and "constitutional law:" but will dismiss this theology of despotism with the remark, that Christianity will gain no laurels by becoming the handmaid of oppression, or the advocate of servility; that the rotten superstructure of usurped power can find no safe corner stone in the gospel: that when "God's ordinance" seems to have fallen under the Devil's administration, no good Christian or good patriot, is bound to support it; and that the days have long since passed, if they ever existed, when men could be preached into forgetfulness of their rights, — though willing to forget and to forgive their wrongs.

And now the inquiry very naturally arises, what motive impelled the preacher to prepare, deliver and print this sermon?

* Delivered in the First Baptist Church, Boston, July, 1826, — nearly 16 years ago. "*Eben, fugaces!*"

What was his "end and aim"? What result did he hope to accomplish?

He professes, (p. 5,) to have spoken from a mind full to overflowing, and upon an impulse that he could scarcely control. It is very clear, however, that this fulness of mind was the fulness of feeling, not of knowledge and sound reflection; for the sermon betrays a great want of acquaintance with the leading facts in the case, and a consequent absence of just and true conclusions. The great subject of the sermon, "the affairs of Rhode Island" — its charter and laws — the rights of the people — the elementary doctrines of popular government — even the acts and doings of the inhabitants of that State for the last fifty years — all these, are so mistaken and mis-stated as to show, beyond all doubt, the want of preparatory research and reflection.

The preacher knew that, somehow or other, the good city of Providence had been dreadfully agitated and alarmed. The common conversation of his common associates, (men upon whom the mischiefs of the Charter and laws do not fall,) attributed this agitation to desperate designs and corrupt purposes. He had heard the current colloquialties, loose and vague, upon good laws, and good order, Constitutions and Charters, without sifting the facts or weighing the principles, and adopting the *parlor* conviction, that the people were wrong and the government right, he was ready to feel very grateful for the temporary triumph of the government, (*that is*, the King-ly government,) and to pour forth his gratitude, in the pulpit, for Providential deliverances.

Did he expect to allay irritation and heal the evil of excitement? His aspersions on the character and designs of the Suffrage party, (p. 7,) are poorly adapted to such a purpose, and what is worse, they are not warranted by the facts. That any member of the people's party cherished purposes so base and bloody, is a mere bugbear of an over-heated fancy. Were pillage, anarchy, licentiousness, the objects of that party? Look at their Constitution. It expressly provides, (Art. xiv, § 19,) that all statutes and laws not repugnant to that Constitution, should remain valid and in full effect. No law, except those unjust statutes which conflicted with the supreme law, was abrogated or suspended. Rapine and plunder were dreamed of only by those who, knowing themselves to be usurpers of power and violators of right, apprehended expulsion by force from their usurpation, and adding insult to injury, imagined that the people would run riot with revenge in the hour of their just triumph.

Of the force that might have been, or that may be, exerted by the people to maintain their Constitution, these usurping authorities have no more right to complain, than had the British troops in Boston when Washington opened upon their shipping the batteries of Dorchester Heights. When a defunct government rebels against the people, tramples on their Constitution, and re-

quires forcible expulsion from office and power, the government and not the people is the faulty and the guilty party, and must alone bear the stigma of lawless designs and bloody purposes.

The preacher professes (p. 9.) to feel greatly humiliated by what has occurred in this exciting controversy. And well he may. But the shame should be, that a Constitution founded on the everlasting principles of right, and solemnly adopted by a large majority, both of the "freemen," and of the whole people of Rhode Island, and thus *made the Supreme law of the land*, has been resisted by the old Governor and the old Assembly!—It should be, that men falsely pretending to right, and in the exercise of lawless power, have retained possession of the public property, and called in the aid of brute force to maintain their usurpation; and that this misconduct, instead of being universally condemned, finds advocates, even within the walls of the University!

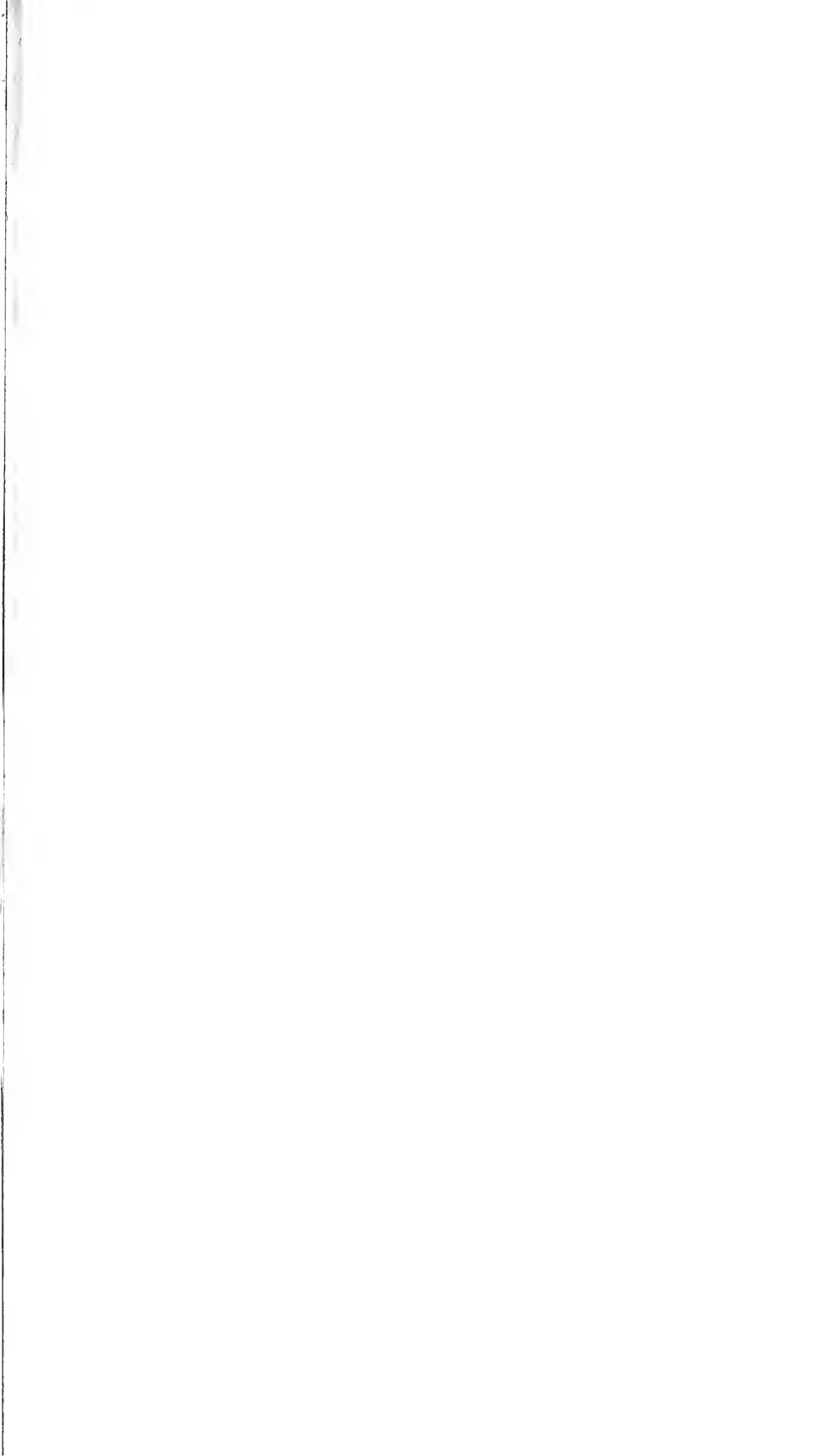
We do not believe, however, that those old College Halls, (associated with the pleasantest recollections of our youth,) yield back any joyous or hearty echo to the doctrines of this "Discourse." As the Polytechnic schools of Warsaw and Paris, when the misrule of the Czar and of Charles X. became intolerable, furnished forth the first and warmest disciples of freedom in Poland and France, so, we are confident, the cloistered apartments of Hope College and University Hall, were the call now made, would pour forth an eager and noble band of bold, patriotic, magnanimous spirits, to defend the People, and the first Republican Constitution of Rhode Island.

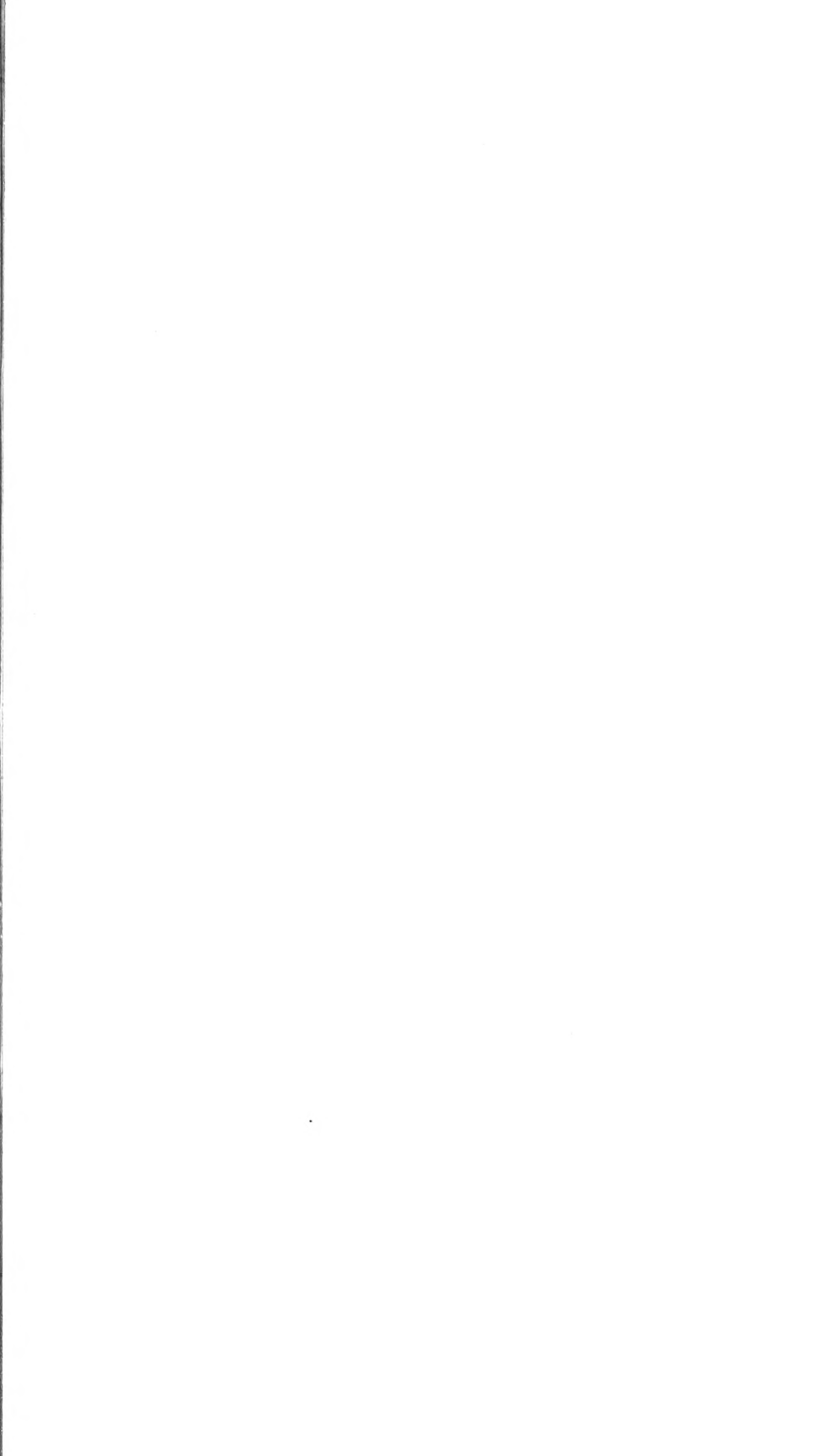
We hope that, before another encounter in arms shall occur between the two parties to this great controversy; the contumacious government will abandon its false position, and lay down its false pretensions, at the feet of the people. Such is the demand of every duty, social, political, and religious. Even now, these mistaken men may, with some degree of grace, retire from their untenable position, and avert the impending storm.

Do they vainly imagine that their tyranny is forever established?—that all before them, in case they persevere as they have begun, is clear and bright,—secure and sunny?—No. They know far better. They know, and feel, that they float insecurely over a fiery gulf;—that clouds are gathering in their sky:—that all around them are portentous indications of approaching trouble. And it would be a base libel on the character of Rhode Island, for them to dream of security, when trampling in the dust, the highest and dearest rights,—the very sovereignty of the people. Neapolitan cowards may submit to Austrian yokes: Spanish slaves may quail before the rod of Oppression: Russian "serfs" may bow down even to the *knout* of their heartless owners:—but American hearts, baptised in the waters of freedom, will never submit to servitude!—They will rush to a second baptism, of

blood, or of fire,—they will struggle, and bleed, and break,—but never, *never*, will they bow or bend in servile submission!

In conclusion, we would exhort our Rhode Island brethren, to go forward calmly, boldly, decidedly, in the assertion of the people's sovereignty; remembering that their great mission now is, *to redeem from contempt this dearest American principle*;— and if resistance is continued, and strife and bloodshed must come, their cause is holy, just and true; worthy of the best blood that was ever spilled upon American soil. Nor let them fear that Federal interposition will injure their cause. The first Rhode Island blood that drips from Federal bayonets, will fall like Dragon's teeth, springing up into a harvest of armed men. Within one week from the first encounter between the citizens of Rhode Island and the hireling soldiery of the Central Government, twenty thousand rank and file will take up their voluntary line of march for the scene of strife; and Rhode Island shall see, as did Massachusetts after the bloody day of Concord and Lexington, that the whole American people are ready to rally around the flag of freedom, and to succor the oppressed.







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